

HOUSE BILL NO. 49

INTRODUCED BY HAINES

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO PUBLIC SWIMMING POOLS AND PUBLIC BATHING PLACES; DEFINING "SPA" AND "TOURIST HOME" AND CLARIFYING THE ~~DEFINITIONS~~ DEFINITION OF "PUBLIC BATHING PLACE" AND "PUBLIC SWIMMING POOL"; EXEMPTING TOURIST HOMES THAT HAVE SPA FACILITIES FROM THE REQUIREMENT OF HAVING PERSONS TRAINED IN CARDIOPULMONARY RESUSCITATION ON THE PREMISES; ELIMINATING THE EXEMPTION FOR THE STATE AND ITS POLITICAL SUBDIVISIONS TO OBTAIN LICENSES TO OPERATE PUBLIC SWIMMING POOLS AND PUBLIC BATHING PLACES; PROVIDING FOR COOPERATIVE AGREEMENTS BETWEEN THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND OTHER AGENCIES THAT OPERATE SWIMMING POOLS OR PUBLIC BATHING PLACES; AND AMENDING SECTIONS 50-53-102, 50-53-107, ~~AND~~ 50-53-201, AND 50-53-209, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-53-102, MCA, is amended to read:

"50-53-102. Definitions. As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Department" means the department of public health and human services provided for in 2-15-2201.

(2) "Local board of health" or "board" means a local board as defined in 50-2-101.

(3) "Local health officer" or "officer" means a local health officer as defined in 50-2-101.

(4) "Person" means a person, firm, partnership, corporation, organization, the state, or any political subdivision of the state.

(5) "Public bathing place" means a body of water, ~~such as a pond, lake, or reservoir~~, with bathhouses and related appurtenances operated for the public.

(6) "Public swimming pool" means an artificial pool and bathhouses and related appurtenances for swimming, bathing, or wading, including natural hot water pools and spas. The term does not include:

(a) swimming pools located on private property used for swimming or bathing only by the owner,

1 members of the owner's family, or their invited guests; or

2 (b) medicinal hot water baths for individual use.

3 (7) "Spa" means an artificial pool designed for recreational bathing or therapeutic use and that is not
4 drained, cleaned, or refilled for individual use. A spa includes but is not limited to a therapeutic pool,
5 hydrotherapy pool, whirlpool, hot tub, or jacuzzi-type whirlpool bath.

6 (8) "Tourist home" means a private home or condominium that is not occupied by an owner or manager
7 and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis."

8
9 **Section 2.** Section 50-53-107, MCA, is amended to read:

10 **"50-53-107. Pool operation to be sanitary, healthful, and safe -- when lifeguard not required. (1)**

11 Public swimming pools and public bathing places, including pool structures, methods of operation, source of
12 water supply, methods of water purification, lifesaving apparatus, safety measures for bathers, and personal
13 cleanliness measures for bathers, ~~shall~~ must be sanitary, healthful, and safe.

14 (2) A lifeguard is not required for a privately owned public swimming pool if:

15 (a) a sign is prominently displayed on the swimming pool premises with the words "No lifeguard is on
16 duty" or words of substantially the same meaning; and

17 (b) one individual per shift is on the premises, accessible to the pool, and currently certified as
18 competent in cardiopulmonary resuscitation by either the American red cross or the American heart association.

19 (3) Tourist homes providing spa facilities to their guests shall prominently display a sign on the spa
20 premises with the words "No lifeguard is on duty" or words of substantially the same meaning. Tourist homes
21 providing spa facilities to their guests are exempt from the requirements of subsection (2)(b)."

22
23 **Section 3.** Section 50-53-201, MCA, is amended to read:

24 **"50-53-201. License required -- ~~exemption~~ -- validation. (1)** ~~Except as provided in subsection (3),~~
25 ~~a~~ A person may not operate a public swimming pool or public bathing place without annually obtaining a license
26 from the department.

27 (2) A separate license is required for each public swimming pool or public bathing place unless more
28 than one public swimming pool is operated on the same premises by the same person, in which case a single
29 license is required for all public swimming pools on the premises.

30 ~~(3) The state or a political subdivision of the state owning or operating a public swimming pool or public~~

~~bathing place is not required to obtain a license under subsection (1) but is required to comply with the health and safety requirements in part 1, this part, and department rules.~~

~~(4)(3)~~ A license issued by the department is not valid unless signed in accordance with 50-53-206 or in accordance with 50-53-207, in the case of an appeal."

SECTION 4. SECTION 50-53-209, MCA, IS AMENDED TO READ:

"50-53-209. Cooperative agreements -- inspections. (1) The department may enter into cooperative agreements with local boards of health to authorize those boards to act as agents of the department and to conduct inspections of and enforce applicable statutes and department rules relating to public swimming pools and public bathing places within the jurisdictions of the respective boards.

(2) The department or a local board of health, pursuant to a cooperative agreement, shall annually conduct:

(a) at least one full facility inspection and one critical point inspection of each public swimming pool or public bathing place operated throughout the year; and

(b) at least one full facility inspection of each seasonal public swimming pool or public bathing place.

(3) The department shall enter into cooperative agreements with the department of fish, wildlife, and parks and other state agencies that operate public swimming pools or public bathing places to address the enforcement of this chapter and rules adopted under this chapter."

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